

REMARKS

Applicant has carefully reviewed the Application in light of the Advisory Action mailed November 9, 2009 and the Final Office Action mailed August 20, 2009. At the time of the Office Actions, Claims 1-20 were pending in the Application and they stand rejected. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Examiner Interview of November 23, 2009

Applicant thanks the Examiner for conducting the telephone interview on November 23, 2009, and for the thoughtful consideration of this case. During the telephone interview, Applicant and Examiner generally discussed the pending case, but no definitive agreement was reached.

Affidavit Submission

Because the Examiner's main reference is commonly owned by Applicant, Applicant has elected to submit a Terminal Disclaimer in order to overcome this §103 patent rejection. Any filing of the Terminal Disclaimer should not be construed as an agreement with, or an acquiescence to, the propriety thereof. Applicant reserves the right to comment on the appropriateness of the Terminal Disclaimer at a future time, should Applicant deem it appropriate to do so.

Section 103 Rejection

Claims 1-9 are rejected as being unpatentable over U.S. Patent No. 7,277,957 issued to Rowley et al. (hereinafter "*Rowley*") and further in view of U.S. Patent No. 7,072,967 issued to Saulpaugh et al. (hereinafter "*Saulpaugh*"). Claims 10-11 are rejected as being unpatentable over *Rowley*, *Saulpaugh*, and further in view of U.S. Patent No. 7,290,048 issued to Barnett et al. (hereinafter "*Barnett*"). Claims 12-20 are rejected as being unpatentable over *Rowley* in view of *Saulpaugh* and *Barnett*.

Independent Claim 1, as previously amended, recites “*...the packets representing a document that includes the objects, wherein the document is captured based on a capture rule that specifies the objects, and wherein a determination is made as to whether to discard or to store the objects of the document.*” No reference outlines how objects included within a document are being used as a basis for capturing a document. As is recited in Independent Claim 1, a rule specifies objects, which trigger the capturing of a particular document. Nowhere in any reference is there any recitation of capturing a specific document ***based on an object included within the document***. Additionally, there is nothing in any of the cited references in which a determination is made for the aforementioned ***objects: much less a determination as to whether to discard or to store the objects of the document***. Applicant has reviewed the cited references in their respective entireties and finds nothing that would be relevant to these features of Independent Claim 1.

For at least these reasons, the Independent Claims are allowable over the cited reference. Additionally, the corresponding dependent claims from these Independent Claims are also patentably distinct for analogous reasons. Thus, all of the pending claims have been shown to be allowable as they are patentable over the references of record. Notice to this effect is respectfully requested in the form of a full allowance of these claims.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

An Information Disclosure Statement, Terminal Disclaimer and Petition for Extension of Time are being filed simultaneously herewith. The fees in the amount of \$1080 in payment of the Request for Continued Examination (\$810), Petition for Extension of Time (\$130) and Terminal Disclaimer (\$140) are being paid concurrently herewith via the Electronic Filing System (EFS) by way of Deposit Account No. 50-4889 authorization. No additional fees are believed due. However, please apply any other charges or credit any overpayment to Deposit Account No. 50-4889 of PATENT CAPITAL GROUP, referencing the attorney docket number referenced above.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at 214-823-1241.

Respectfully submitted,

Patent Capital Group
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